

**COMMUNITY PLANNING GROUP/STAFF'S/PLANNING COMMISSION**

Project Manager must complete the following information for the Council docket:

**CASE NO. Project No. 128990**

**STAFF'S**

Please indicate recommendation for each action. ie: resolution/ ordinance

1. Council Resolution Approving Coastal Development Permit No. 520542, and
2. Council Resolution Approving Street Vacation No. 443998.

**PLANNING COMMISSION** (list names of Commissioners voting yea or nay)

**YEAS:** N/A

**NAYS:**

**ABSTAINING:**

TO: (list recommendation or action)

**COMMUNITY PLANNING GROUP** (choose one)

LIST NAME OF GROUP: La Jolla Community Planning Association

- ☐ No officially recognized community planning group for this area.
- ☐ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☐ Community Planning Group has been notified of this project and has not taken a position.
- ☐ Community Planning Group has recommended approval of this project.
- ☒ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor: 0

Opposed: 13

By

  
Project Manager

000767

# REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE ONLY)

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):  
DEVELOPMENT SERVICES DEPARTMENT3. DATE:  
Jan. 8, 20084. SUBJECT:  
t Avenue Street Vacation - Project Number 128990

5. PRIMARY CONTACT (NAME, PHONE, &amp; MAIL STA.)

Glenn Gargas, 446-5142, MS 501

6. SECONDARY CONTACT (NAME, PHONE, &amp; MAIL STA.)

Jeannette Temple, 557-7908, MS 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED



## 8. COMPLETE FOR ACCOUNTING PURPOSES

FUND				
DEPT.	1317			
ORGANIZATION	1671			
OBJECT ACCOUNT	4001			
JOB ORDER	42-7768			
C.I.P. NUMBER				
AMOUNT				

9. ADDITIONAL INFORMATION / ESTIMATED COST:

Fiscal Impact: None, all costs are paid by the applicant.

I.O. 42-7768

## 10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	KELLY BROUGHTON	2/14/08	8	DEPUTY CHIEF	WILLIAM ANDERSON	2/19/08
2	EAS	ALLISON SHERWOOD	1-31-08	9	COO		
3				10	CITY ATTORNEY	SHIRLEY EDWARDS	3/17/08
4				11	ORIG. DEPT	MIKE WESTLAKE	2/7/08
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			

11. PREPARATION OF: ☒ RESOLUTIONS    ☐ ORDINANCE(S)    ☐ AGREEMENT(S)    ☐ DEED(S)

1. Council Resolution approving Coastal Development Permit No. 520542.
2. Council Resolution approving Public Right-of-Way Vacation No. 443998.

11A. STAFF RECOMMENDATIONS: Approve the Resolution and Coastal Development Permit

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 1

COMMUNITY AREA(S): LA JOLLA

**ENVIRONMENTAL IMPACT:** This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15305, Minor Alteration in Land Use.**HOUSING IMPACT:** None. The project vacates a portion of public right-of-way.**INSTRUCTIONS TO CITY CLERK:**

1. Ten day public noticing is required.
  2. Return copies of the Resolution to Glenn Gargas, MS-501
- Council action requires a majority vote.

## EXECUTIVE SUMMARY SHEET

Date Issued:

Report No.

ATTENTION: Council President and City Council  
ORIGINATING DEPARTMENT: Development Services  
SUBJECT: Olivet Avenue Street Vacation - Project No. 128990  
COUNCIL DISTRICT: 1  
STAFF CONTACT: Glenn Gargas (446-5142)

REQUESTED ACTION:

Vacation of a portion of Olivet Avenue.

STAFF RECOMMENDATION:

1. **APPROVE** Coastal Development Permit No. 520542, and
2. **APPROVE** Street Vacation No. 443998.

EXECUTIVE SUMMARY:

The proposed Vacation is a portion of the public right-of-way along the east side of Olivet Avenue, between Exchange Place and Pearl Street, located to the rear of the lot at 1215 Virginia Way (Lot 11) and a small portion of the adjacent lot to the south at 1211 Virginia Way, Lot 12. The proposed area to be vacated is an approximately 524 square foot triangular shaped portion of excess right-of-way along the west side of the intersection of Olivet Avenue and Cabrillo Avenue. Approximately 142 square feet of the proposed vacated area fronts along the adjacent lot, Lot 12. The vacation of this portion of Olivet Avenue is required for the property owner/applicant to allow completion of a pending remodel of their existing residence. The area of the proposed vacation is excess right-of-way, and is improved with a landscaped area which appears as part of the property owner's rear and side yards. The portion to be vacated has never been utilized by public vehicular or public pedestrian activity.

The adjacent neighbor, south of the subject property, at 1211 Virginia Way has an existing gate at the rear of their property, which allows pedestrian access from their property across the public right-of-way to be vacated to Olivet Avenue. The adjacent neighbor has opposed the proposed project due primarily to their concern for the potential loss of pedestrian access. They expressed that they would prefer that the area continue to be retained by the City rather than converted to the applicant's private ownership. In response the applicant has offered to grant and record a private pedestrian easement to this adjacent neighbor to resolve this issue. However, to date, the adjacent neighbor has not accepted that proposed solution.

The proposed Vacation will not alter vehicular, pedestrian or bicycle use along this portion of Olivet Avenue. The area of the Vacation would be within the required setback for the existing residence, thus no structure, except for a fence/wall could be placed within this area. The Vacation does not need to include any reservation for General Utility, Public Pedestrian Access or Non-Motor Vehicular Easements.

The Street Vacation qualifies as a summary vacation and a Planning Commission Recommendation is not required for this action. A Street Vacation may be summarily vacated as it does not contain public facilities, and the portion of the street to be vacated is excess and is not required for present or future use.

The required findings to approve the Street Vacation as contained in Attachment 4, can all be made in the affirmative. The area of the proposed vacation is unimproved excess right-of-way and there is no present or prospective public use for a public right-of-way. The portion of Olivet Avenue to be vacated is not a part of the Transportation Element of the General Plan or La Jolla/La Jolla Shores Local Coastal Program, and will not be detrimentally affected by the vacation. Olivet Avenue has been constructed to its ultimate width and the reservation area is no longer needed.

FISCAL CONSIDERATION:

All costs associated with the processing of this project are paid by the applicant through a deposit account.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

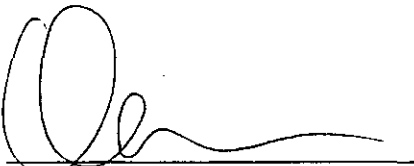
The street vacation qualifies as a summary vacation and a Planning Commission Recommendation is not required for this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The applicant presented this proposed project two different times to the La Jolla Community Planning Association. Both times the project was recommended for denial, due to the pedestrian access concerns raised by the adjacent neighbor. The second meeting was on December 6, 2007, and the La Jolla Community Planning Association voted 13-0-0 to recommend denial of the proposed action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Vincent and Heather Andreuccetti, Property Owner



Kelly Broughton  
Director  
Development Services Department



William Anderson  
Deputy Chief of Land Use and  
Economic Development

ATTACHMENTS:

1. Right-of-Way Vacation Exhibit
2. Aerial Photograph
3. Draft Coastal Development Permit
4. Draft Coastal Development Permit Resolution
5. Draft Street Vacation Resolution

000771

## BASIS OF BEARINGS:

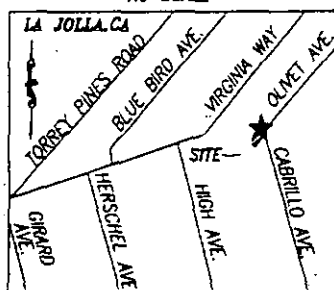
THE SOUTHEASTERLY LINE OF BLOCK 76 IN  
MAP 976 PER RECORD OF SURVEY NO. 16209  
I.E. N 41°53'20" E

LOT 11  
BLK 76  
MAP 976

LOT 12

N 74°37'08" E 36.89'  
P.O.B. (SOUTHEASTERLY  
CORNER OF LOT 12)

LOT 38  
BLK 3  
MAP 916

VICINITY MAP  
NO SCALE

REFERENCE DRAWINGS:  
MAP NOS. 976 & 916, R.O.S. NO. 16209 &  
CR NO. 12638

APN NO. 350-501-11

- INDICATES OLIVET AVE. DEDICATED  
PER MAP 976 VACATED  
(AREA=524.7 SQ. FT.)

CABRILLO AVENUE

OLIVET AVENUE  
DEDICATED PER MAP 976

SUBDIVISION  
BOUNDARY

SCALE: 1"=10'



J07014

BARRY ROCKWELL SURVEYING  
4891 RONSON COURT, SUITE 1  
SAN DIEGO, CA 92111

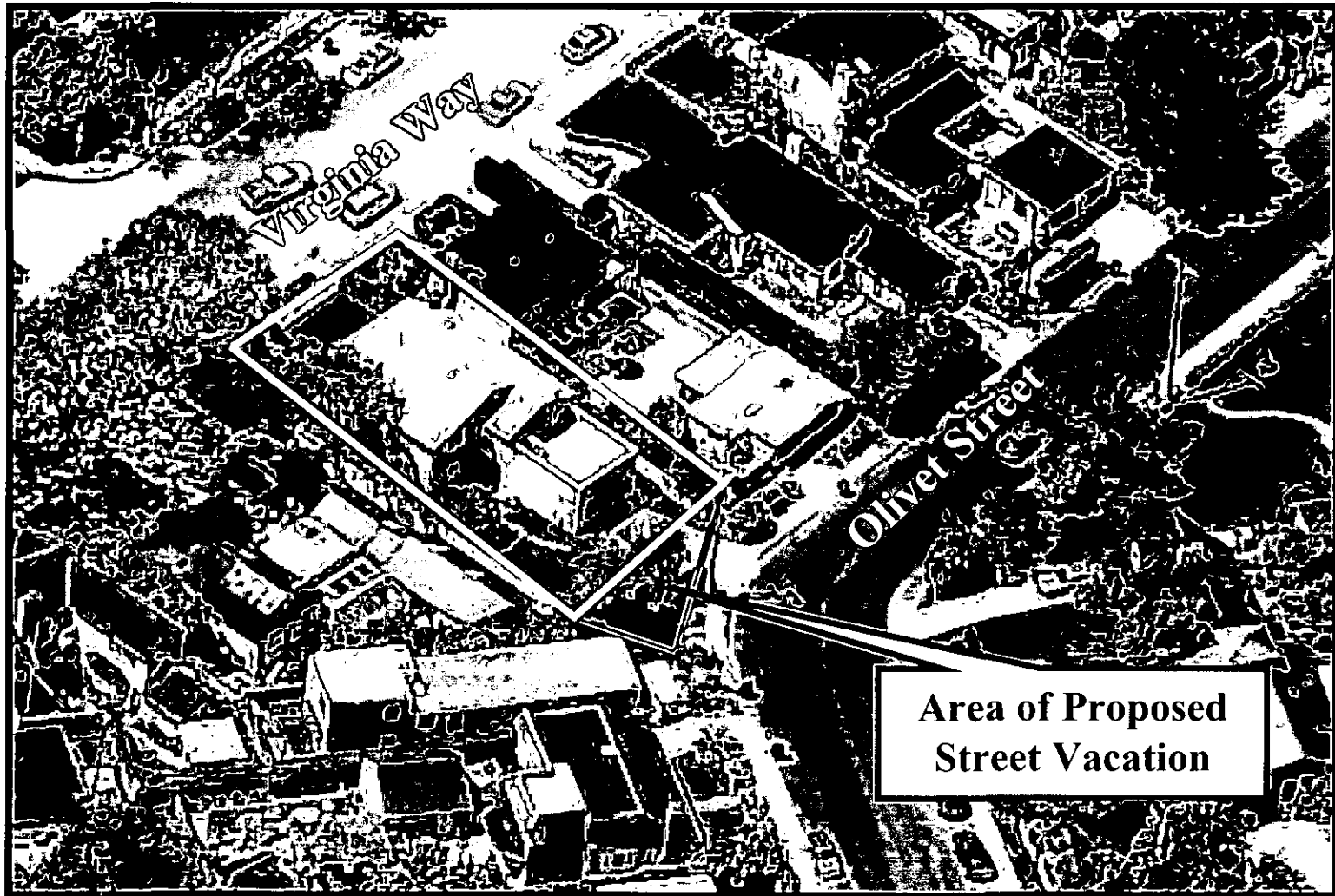
Todd C. Rockwell  
TODD C. ROCKWELL L.S. 7194

## STREET VACATION -OLIVET AVE.

AT THE INTERSECTION WITH CABRILLO AVE.

(PORTION DEDICATED PER MAP 976)

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	PTS 128990
ORIGINAL	SS		4/16/07		SHEET 1 OF 1 SHEETS	JO. NO. 427768
REVISED	SS		9/22/07		<i>Donald J. [Signature]</i> 11/09/09	1887-6248
REVISED	SS		12/10/07		FOR CITY ENGINEER <i>PS 5771</i> DATE	NAD 83 COORDINATES
	AEA		4-7-08			246-1687
						LAMBERT COORDINATES
						20711-B
STATUS						



## Aerial Photo

OLIVET AVENUE STREET VACATION – 1215 VIRGINIA WAY

PROJECT NO. 128990



000775

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**

**CITY CLERK  
MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-7768

**COASTAL DEVELOPMENT PERMIT NO. 520542  
OLIVET AVENUE STREET VACATION – PROJECT NO. 128990  
CITY COUNCIL**

This Coastal Development Permit No. 520542, is granted by the City Council of the City of San Diego to Vincent and Heather Andreucetti, Individuals, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 125.0901. The subject site is located on the west side of Olivet Avenue with an unimproved portion of Olivet Avenue to the east side of the property. The project site is located at 1215 and 1211 Virginia Way, in the RS-1-7 zone, Coastal Overlay Zone (non-appealable), Coastal Height Overlay Zone and within the La Jolla Community Plan area. The project site is legally described as a portion of Lots 11 and 12, Block 76, Villa Tract La Jolla Park, Map No. 976.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee's to vacate excess Public Right-of-Way, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated \_\_\_\_\_, 2008, on file in the Development Services Department.

The project or facility shall include:

- a. The vacation of excess dedicated Public Right-of-Way of a portion of Olivet Avenue on the rear and east side of the property located at 1215 Virginia Way on a property containing an existing single-family residence; and
- b. Existing landscaping (planting, irrigation and landscape related improvements) within the public right-of-way remaining to be maintained.

**STANDARD REQUIREMENTS:**

1. Vacation of the described Public Right-of-Way, must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City,

000776

following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. Vacation of the Public Right-of-Way described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.



000777 -

**ENGINEERING REQUIREMENT :**

8. This Coastal Development Permit shall comply with the Street Vacation No. 443998, to the satisfaction of the City Engineer.

**INFORMATION ONLY:**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_, 2008, Resolution No. \_\_\_\_\_.

000779

CITY COUNCIL  
RESOLUTION NO. - \_\_\_\_\_  
COASTAL DEVELOPMENT PERMIT NO. 520542  
**OLIVET AVENUE STREET VACATION - PROJECT NO. 128990**

WHEREAS, Vincent and Heather Andreucetti, Owner/Permittee, filed an application with the City of San Diego to vacate a portion of Olivet Avenue adjacent to an existing single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 443998, on portions of an approximate 5,506 square foot property;

WHEREAS, the project site is located at 1215 and 1211 Virginia Way, in RS-1-7 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, and within the La Jolla Community Planning Area;

WHEREAS, the project site is legally described as portions of Lots 11 and 12, Block 76, Villa Tract La Jolla Park, Map No.976;

WHEREAS, on \_\_\_\_\_, 2008, the CITY COUNCIL of the City of San Diego considered Coastal Development Permit No. 520542, pursuant to the Land Development Code of the City of San Diego;  
NOW, THEREFORE,

BE IT RESOLVED by the CITY COUNCIL of the City of San Diego as follows:

That the CITY COUNCIL adopts the following written Findings, dated \_\_\_\_\_, 2008.

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; and**

The 524 square-foot project site, is currently undeveloped lawn area adjacent to an existing single family residence. The development proposes to vacate a portion of public right-of-way along Olivet Avenue and is located approximately one half mile from the coastline. The proposed development is contained within the existing legal lot area of two legal lots, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located in an area with a public view as identified within the La Jolla/La Jolla Shores Local Coastal Program. The project site is situated along Olivet Avenue, within a developed residential area. The area of the proposed vacation is currently developed with lawn area of an existing residence, no further development is proposed.

000780

**2. The proposed coastal development will not adversely affect environmentally sensitive lands; and**

The 524 square-foot project site is currently undeveloped lawn area, and based on City Staff's site visit the project site is fully disturbed where the proposed vacation area is located and the site does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project site has been fully disturbed and does not contain any Environmentally Sensitive Lands.

**3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and**

The proposed street vacation, is located adjacent to a site which is designated as Low Density Residential (5-9 du/ac) in the La Jolla Community Plan. The proposed street vacation area would become part of the adjacent single family lots, which conforms with this land use designation and density. The proposed vacation to Olivet Avenue would narrow the future public right-of-way to approximately 60 feet in width, which was found to be consistent with the Transportation Element of the La Jolla Community Plan. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project site is not located in an area identified as containing a public view as identified within the La Jolla/La Jolla Shores Local Coastal Program. Due to these factors the proposed street vacation project was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and the Progress Guide, the certified Local Coastal Program Land Use Plan and General Plan.

**4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The proposed street vacation is adjacent a 5,506 square foot site, currently developed with an existing residential structure, is part of and within a well established urbanized area of La Jolla. The project site is not located between the first public road and the sea or coastline. Development of the project, excess public right-of-way will be fully within what would normally be area of private property. The project site is approximately one half mile away from the Pacific Ocean. The project site is not located in an area identified as containing a public view as identified within the La Jolla/La Jolla Shores Local Coastal Program. The existing residence, currently is designed to take access off the existing public street, Olivet Avenue, with adequate off street parking. The existing character and pedestrian design of the street will remain unaltered and/or be improved.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the CITY COUNCIL, Coastal Development Permit No. 520542 is hereby GRANTED by the CITY COUNCIL to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 520542, a copy of which is attached hereto and made a part hereof.

000781  
00110-

ATTACHMENT 4

---

Glenn R. Gargas  
Development Project Manager  
Development Services

Adopted on: \_\_\_\_\_, 2008

Job Order No. 42-7768

cc: Legislative Recorder, Planning Department

NOTICE OF EXEMPTION

000783

TO: ☒ RECORDER/COUNTY CLERK  
P.O. BOX 1750, MS A-33  
1600 PACIFIC HWY, ROOM 260

FROM: CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
1222 FIRST AVENUE, MS 501  
SAN DIEGO, CA 92101-2422

           OFFICE OF PLANNING AND RESEARCH  
1400 TENTH STREET, ROOM 121  
SACRAMENTO, CA 95814

PROJECT NO.: 128990

PROJECT TITLE: OLIVET AVENUE STREET VACATION

PROJECT LOCATION-SPECIFIC: 1215 Virginia Way, San Diego, CA 92037

PROJECT LOCATION-CITY/COUNTY: San Diego

DESCRIPTION OF PROJECT: Applicant proposes to vacate a portion of the corner of Olivet Avenue and Cabrillo Avenue in the RS-1-7 Zone within La Jolla Community Planning Area (Lot 11 of Block 76, Map No. 876).

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Annie Maciel, 775 Fay Avenue #1, La Jolla, CA 92037 (760) 803-7805.

EXEMPT STATUS: (CHECK ONE)

- ( ) MINISTERIAL (SEC. 15268)  
( ) DECLARED EMERGENCY [SEC. 15269 (A)]  
( ) EMERGENCY PROJECT [SEC. 15269 (B) AND (C)]  
(X) CATEGORICAL EXEMPTION (STATE TYPE AND SECTION NUMBER): Minor Alteration in Land Use, Section 15305  
( ) OTHER (STATE TYPE AND SECTION NUMBER):

REASONS WHY PROJECT IS EXEMPT: The proposed street vacation would not change existing conditions.

CONTACT PERSON: Philip Lizzi

TELEPHONE: (619) 446-5159

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?  
( ) YES ( ) NO

Allison Sherwood / Senior Planner  
SIGNATURE/TITLE

\_\_\_\_\_  
DATE

CHECK ONE:

- (X) SIGNED BY LEAD AGENCY  
( ) SIGNED BY APPLICANT  
( )

DATE RECEIVED FOR FILING: \_\_\_\_\_

000785

# DETERMINATION OF ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No.: 128990

Date: June 13, 2007

Action/Permit(s): Street Vacation, Process 5

**Description of Activity:** Olivet Avenue Street Vacation Street Vacation to vacate a portion of the corner of Olivet Avenue and Cabrillo Avenue in the RS-1-7 Zone of the La Jolla Community Plan Area. Applicant: Annie Maciel 760-803-7805 point of contact.

**Location of Activity:** 1215 Virginia Way, San Diego, California Lot 11 of block 76, Map No. 876, City and County of San Diego.

1. ☐ This activity is **EXEMPT FROM CEQA** pursuant to:
- ☐ Section 15060(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
2. ☒ This project is **EXEMPT FROM CEQA** pursuant to State CEQA Guidelines Section checked below:


## ARTICLE 19 of GUIDELINES CATEGORICAL EXEMPTIONS (Incomplete list)

Section	Short Name
<input type="checkbox"/> 15301	Existing Facilities
<input type="checkbox"/> 15302	Replacement or Reconstruction
<input type="checkbox"/> 15303	New Construction or Conversion of Small Structures
<input type="checkbox"/> 15304	Minor Alterations to Land
<input checked="" type="checkbox"/> 15305	Minor Alteration in Land Use
<input type="checkbox"/> 15306	Information Collection
<input type="checkbox"/> 15311	Accessory Structures
<input type="checkbox"/> 15312	Surplus Government Property Sales
<input type="checkbox"/> 15315	Minor Land Divisions
<input type="checkbox"/> 15317	Open Space Contracts or Easements
<input type="checkbox"/> 15319	Annexation of Existing Facilities and Lots for Exempt Facilities
<input type="checkbox"/> 15325	Transfer of Ownership of Interest in Land to Preserve Open Space
<input type="checkbox"/> Other	

## ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)

Section	Short Name
<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> Other	

It is hereby certified that the City of San Diego  
has determined the above activity to be exempt:

  
Allison Sherwood, SENIOR PLANNER  
Environmental Analysis Section

Distribution: Glenn Gargas, DPM  
Allison Sherwood Senior Planner  
Reviewers file

Analyst: Lizzi

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING COASTAL DEVELOPMENT PERMIT NO. 520542, TO VACATE A PORTION PUBLIC RIGHT-OF-WAY Y ENCUMBERING OLIVET AVENUE.

WHEREAS, Vincent and Heather Andreucetti, Owners/Permittees, filed an application with the City of San Diego for a Coastal Development Permit to vacate a portion of public right-of-way encumbering Olivet Avenue adjacent to an existing single-family residence known as the Olivet Avenue Street Vacation Project [Project], on portions of an approximate 5,506 square foot property located at 1215 and 1211 Virginia Way, and legally described as portions of Lots 11 and 12, Block 76, Villa Tract La Jolla Park, Map No. 976, in the RS-1-7 zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Zone, within the La Jolla Community Planning Area; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 520542:

**A. FINDINGS FOR ALL COASTAL DEVELOPMENT PERMITS –SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0708(a).**

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The 524 square-foot project site is currently undeveloped lawn area adjacent to an existing single-family residence. The development proposes to vacate a portion of public right-of-way along Olivet Avenue and is located approximately one-half mile from the coastline. The proposed development is contained within the existing legal lot area of two legal lots, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located in an area with a public view as identified within the La Jolla/La Jolla Shores Local Coastal Program. The project site is situated along Olivet Avenue, within a developed residential area. The area of the proposed vacation is currently developed with lawn area of an existing residence, no further development is proposed.

2. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The 524 square-foot project site is currently undeveloped lawn area, and based on City Staff's site visit the project site is fully disturbed where the proposed vacation area is located and the site does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under the California Environmental Quality Act [CEQA] Guidelines. The project site has been fully disturbed and does not contain any Environmentally Sensitive Lands.

3. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The proposed street vacation is located adjacent to a site which is designated as Low Density Residential (5-9 dwelling unit per acre) in the La Jolla Community Plan. The proposed street vacation area would become part of the adjacent single-family lots, which conforms with this land use designation and density. The proposed vacation to Olivet Avenue would narrow the future public right-of-way to approximately 60 feet in width, which was found to be consistent with the Transportation Element of the La Jolla Community Plan. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project site is not located in an area identified as containing a public view as identified within the La Jolla/La Jolla Shores Local Coastal Program. Due to these factors the proposed street vacation project was found to be in compliance with the City of



000789

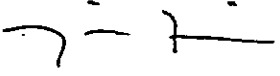
San Diego adopted La Jolla Community Plan and the Progress Guide, the certified Local Coastal Program Land Use Plan and General Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed street vacation is adjacent a 5,506 square-foot site, currently developed with an existing residential structure, is part of and within a well established urbanized area of La Jolla. The project site is not located between the first public road and the sea or coastline. Development of the project, excess public right-of-way will be fully within what would normally be area of private property. The project site is approximately one-half mile away from the Pacific Ocean. The project site is not located in an area identified as containing a public view as identified within the La Jolla/La Jolla Shores Local Coastal Program. The existing residence, currently is designed to take access off the existing public street, Olivet Avenue, with adequate off street parking. The existing character and pedestrian design of the street will remain unaltered and/or be improved.

BE IT FURTHER RESOLVED by the Council of the City of San Diego, that Coastal Development Permit No. 520542 is granted to Vincent and Heather Andreucetti, Owners/Permittees, under the terms and conditions as set forth in the attached Permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
Nina M. Fain  
Deputy City Attorney

NMF:mm  
03/17/08  
Or.Dept:DSD  
R-2008-738  
MMS#5925

000791

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**

**CITY CLERK  
MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-7768

**COASTAL DEVELOPMENT PERMIT NO. 520542  
OLIVET AVENUE STREET VACATION - PROJECT NO. 128990  
CITY COUNCIL**

This Coastal Development Permit No. 520542, is granted by the City Council of the City of San Diego to Vincent and Heather Andreucetti, Individuals, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] Sections 125.0901 et seq. and 126.0701 et seq. The subject site is located on the west side of Olivet Avenue with an unimproved portion of Olivet Avenue to the east side of the property. The project site is located at 1215 and 1211 Virginia Way, in the RS-1-7 zone, Coastal Overlay Zone (non-appealable), Coastal Height Overlay Zone and within the La Jolla Community Plan area. The project site is legally described as a portion of Lots 11 and 12, Block 76, Villa Tract La Jolla Park, Map No. 976.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to vacate excess Public Right-of-Way, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated \_\_\_\_\_, 2008, on file in the Development Services Department.

The project or facility shall include:

- a. The vacation of excess dedicated Public Right-of-Way of a portion of Olivet Avenue on the rear and east side of the property located at 1215 Virginia Way on a property containing an existing single-family residence; and
- b. Maintenance of existing landscaping (planting, irrigation and landscape related improvements) within the portion of the Public Right-of-Way to be vacated.

**STANDARD REQUIREMENTS:**

1. Maintenance of existing landscape improvements within the portion of the Public Right-of-Way to be vacated must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. Vacation of the Public Right-of-Way described herein shall not be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Permittees sign and return the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego, the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City authority.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittees and any successor or successors, and the interests of any successor(s) shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittees for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owners/Permittees of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owners/Permittees shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which

approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

**ENGINEERING REQUIREMENT :**

8. This Coastal Development Permit shall comply with the Street Vacation No. 443998, to the satisfaction of the City Engineer.

**INFORMATION ONLY:**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_, 2008, by  
Resolution No. R-\_\_\_\_\_.

000794

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

\_\_\_\_\_  
The undersigned Permittees, by execution hereof, agree to each and every condition of this Permit and promise to perform each and every obligation of Permittees hereunder.

Vincent Andreucetti  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

Heather Andreucetti  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING PUBLIC RIGHT-OF-WAY VACATION NO. 443998, VACATING OF A PORTION OF OLIVET AVENUE.

WHEREAS, California Streets and Highways Code section 8300 et seq. provides a procedure for the summary vacation of public street easements by City Council resolution where the easements are no longer required; and

WHEREAS, under San Diego Municipal Code section 125.0910(b), a public right-of-way may be summarily vacated if it does not contain public utility facilities, does not contain active public utility facilities, or contains public utility facilities that would not be affected by the vacation and if the public right-of-way, or portion of the public right-of-way, is excess public right-of-way and is not required for street or highway purposes; and

WHEREAS, under San Diego Municipal Code section 125.0940, a summary vacation of a public right-of-way pursuant to Section 125.0910(b) does not require a Resolution of Intention as specified in Section 125.0940(b) or a recommendation by the Planning Commission; and

WHEREAS, the affected property owner has requested the vacation of the public right-of-way easement along a portion of Olivet Avenue, to unencumber this property and facilitate development of the site;

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the

decision, and the Council was required by law to consider evidence at the hearing and make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Public Right-of-Way Vacation No. 443998:

**A. FINDINGS FOR PUBLIC RIGHT-OF-WAY VACATION APPROVAL – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 125.0941**

1. There is no present or prospective use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;
2. The public will benefit from the action through improved use of land made available by the vacation;
3. The vacation does not adversely affect any applicable land use plan, and is consistent with the General Plan and approved Community Plan; and
4. The facility for which the public right-of-way was originally acquired will not be detrimentally affected by this vacation.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the street vacation as more particularly described in the legal description marked as Exhibit "A" and as shown on Engineering Drawing No. 20711-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document No. RR-\_\_\_\_\_, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the City of San Diego as lead agency under the California Environmental Quality Act has determined the

000797

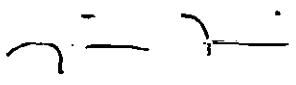
project to be exempt pursuant to California Code of Regulations section 15305 because it is a minor alteration in land use.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the City Clerk is directed to file a Notice of Exemption [NOE] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
\_\_\_\_\_  
Nina M. Fain  
Deputy City Attorney

NMF:mm  
03/17/08  
Or.Dept:DSD  
R-2008-741  
MMS#5925



Date 4/1/08 Docket Item Number 335  
 Subject OLIVET STREET VACATION

## REQUEST TO SPEAK

## IN FAVOR

of the

☐

APPEAL

☒

ITEM

PRINT  
NAMEVINCENT ANDREUCCETTI

ADDRESS: NUMBER

STREET

CITY

STATE

ZIP

TELEPHONE

E-MAIL ADDRESS

REPRESENTING

MYSELF AS APPLICANT

## CHECK BELOW, IF APPLICABLE:

- ☐ I would like to register my position but I do not wish to speak.  
☐ Yo voy a hablar en español y necesito la asistencia de un interprete.  
 (I will be speaking in Spanish and request the assistance of an interpreter.)

ARE YOU PART OF AN ORGANIZED PRESENTATION?  
 IF YES, LIST SPEAKERS IN ORDER OF PRESENTATION.

AMERICANABLE TO CONTINUE FOR NEIGHBOR  
9 MY FAMILY TO FINALIZE A RESOLUTION  
WITH REGARDS TO A PRIVATE EASEMENT  
UPON VACATION OF SAID AREA

PLEASE READ GUIDE TO SPEAKING AT PUBLIC MEETING  
 ON REVERSE SIDE. THE CHAIRPERSON WILL CALL  
 YOU TO THE MICROPHONE AT THE APPROPRIATE TIME.

CC-1599 (Rev. 4-07)



THE CITY OF SAN DIEGO

000800

Date 4-1-08 Docket Item Number 335

Subject Olive + St. Vacation Project No.

REQUEST TO SPEAK

128990

# IN OPPOSITION

to the

☐

APPEAL

☐

ITEM

PRINT  
NAME

Lynn Beckman, Esq.  
From Wertz, McNamee

Wallace, Most + Brother  
for Kristin Ewald

ADDRESS: NUMBER

STREET

CITY

~~1211 Virginia Ave~~  
~~San Diego, CA 92103~~ (619) 233-8888

STATE

ZIP

TELEPHONE

Kristin Ewald, affected neighbor  
REPRESENTING

## CHECK BELOW, IF APPLICABLE:

- ☐ I would like to register my position but I do not wish to speak.  
☐ Yo voy a hablar en español y necesito la asistencia de un interprete.  
(I will be speaking in Spanish and request the assistance of an interpreter.)

ARE YOU PART OF AN ORGANIZED PRESENTATION?

SPEAKERS IN ORDER OF PRESENTATION.

Joint Request  
for Continuance  
to 4/22.

PLEASE READ GUIDE TO SPEAKING AT PUBLIC MEETING  
ON REVERSE SIDE. THE CHAIRPERSON WILL CALL  
YOU TO THE MICROPHONE AT THE APPROPRIATE TIME.



THE CITY OF SAN DIEGO

CC-1600a (Rev. 3-06)



Prudential

Prudential California Realty

1299 Prospect Street

La Jolla, CA 92037

Bus 858 459-0501

Fax 858 459-3275

000801

To: City Project Manager Glenn Gargas

Attn: City Council

Project Type: Coastal Development Permit and Public Right-of-Way

Project #: 128990

Project Name: **OLIVET AVENUE STREET VACATION**

From: Claire Melbo

Prudential Calif Realty

1299 Prospect St

La Jolla Ca 92037

I am writing this letter in **support** of the aforementioned project above.

As a La Jolla Community resident and active Real Estate agent, I am very familiar with the subject area and have personally viewed the area and its surroundings. Vacating said land would not affect nor change the lands current use, nor encroach on any physical access to the coast.

Secondly, as a taxpayer in a city where money is in question, vacating said area constructively benefits me and my family by increasing the taxes on the applicant property, reducing the cities obligation to maintain the said area, and further relieves the city from all personal legal liability to any personal injury; cost savings to the City of San Diego, again financially as a taxpayer, indirectly benefiting me.

The configuration as it is now is highly unusual, and in my opinion, the small piece of City land should be vacated and incorporated as a part of 1215 Virginia Ways property .

Should you have any questions or desire further testimony, please feel free to contact me at 858 229-8383

Sincerely,

Claire Melbo

000802

Kristin McMurran Ewald  
1211 Virginia Way  
La Jolla, CA 92037

---

March 24, 2008

Mr. Glenn Gargas  
City Project Manager  
City Administration Building  
202 C Street  
San Diego, CA 92101

Re: **Project No..128990**  
Olivet Avenue Street Vacation

Dear Mr. Gargas:

I am in receipt of the Notice of Public Hearing regarding our property at 1211 Virginia Way in La Jolla, and respectfully request a two-week extension to the current hearing date set for April 1.

This summons came as a complete surprise and I have spent the past eight days trying to find a land-use attorney to advise me. Yesterday, I met with a lawyer at Wertz McDade who would surely need more than four days to help me understand my options. I spoke with Mr. Andreucetti last night about finding a mutually agreeable solution to our problem. He was not opposed to a 1-2 week continuance.

This comes at an extremely difficult time for me following my husband's recent death, with the attention I need to put toward his estate matters and business commitments I have already made for the week of April 1. Please understand that I need more time.

You have been very courteous and helpful to me in the past when this issue has come up and I hope that you will be able to facilitate this request, so that I have the opportunity to get advice and consider a solution to an issue that is very important to both parties.

Sincerely,

Kristin M. Ewald  
858-456-2776

Cc: Scott Peters

000803

To: City Project Manager Glenn Gargas  
Attn: City Council  
Project Type: Coastal Development Permit and Public Right-of-Way  
Project #: 128990  
Project Name: **OLIVET AVENUE STREET VACATION**


I am writing this letter in **support** of the aforementioned project above.

As a La Jolla Community resident, I am very familiar with the subject area and have personally viewed the area and its surroundings. Vacating said land would not affect nor change the lands current use, nor encroach on any physical access to the coast.

Secondly, as a taxpayer in a city where money is in question, vacating said area constructively benefits me and my family by increasing the taxes on the applicant property, reducing the cities obligation to maintain the said area, and further relieves the city from all personal legal liability to any personal injury; cost savings to the City of San Diego, again financially as a taxpayer, indirectly benefiting me.

Should you have any questions or desire further testimony, please feel free to contact me at 858.735.5655.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Brynn Morales', written over a horizontal line.

Brynn Morales

000804

To: City Project Manager Glenn Gargas  
Attn: City Council  
Project Type: Coastal Development Permit and Public Right-of-Way  
Project #: 128990  
Project Name: OLIVET AVENUE STREET VACATION

I am writing this letter in **support** of the aforementioned project above.

As a La Jolla Community resident, I am very familiar with the subject area and have personally viewed the area and its surroundings. Vacating said land would not affect nor change the lands current use, nor encroach on any physical access to the coast.

Secondly, as a taxpayer in a city where money is in question, vacating said area constructively benefits me and my family by increasing the taxes on the applicant property, reducing the cities obligation to maintain the said area, and further relieves the city from all personal legal liability to any personal injury; cost savings to the City of San Diego, again financially as a taxpayer, indirectly benefiting me.

Should you have any questions or desire further testimony, please feel free to contact me at 858 405-1158

Sincerely,

Ana H. Buckley  
Bloom- La Jolla Elementary School

000805

To: City Project Manager Glenn Gargas  
Attn: City Council  
Project Type: Coastal Development Permit and Public Right-of-Way  
Project #: 128990  
Project Name: OLIVET AVENUE STREET VACATION

I am writing this letter in **support** of the aforementioned project above.

As a La Jolla Community resident, I am very familiar with the subject area and have personally viewed the area and its surroundings. Vacating said land would not affect nor change the lands current use, nor encroach on any physical access to the coast.

Secondly, as a taxpayer in a city where money is in question, vacating said area constructively benefits me and my family by increasing the taxes on the applicant property, reducing the cities obligation to maintain the said area, and further relieves the city from all personal legal liability to any personal injury; cost savings to the City of San Diego, again financially as a taxpayer, indirectly benefiting me.

Should you have any questions or desire further testimony, please feel free to contact me at: 7262 Via Capri, La Jolla.

Sincerely,

*Betsy A. Thomas*

Betsy Thomas

*CEO of Thomas Productions Inc.  
www.like mike.us*

000806

To: City Project Manager Glenn Gargas  
Attn: City Council  
Project Type: Coastal Development Permit and Public Right-of-Way  
Project #: 128990  
Project Name: **OLIVET AVENUE STREET VACATION**


I am writing this letter in **support** of the aforementioned project above.

As a La Jolla Community resident, I am very familiar with the subject area and have personally viewed the area and its surroundings. Vacating said land would not affect nor change the lands current use, nor encroach on any physical access to the coast.

Secondly, as a taxpayer in a city where money is in question, vacating said area constructively benefits me and my family by increasing the taxes on the applicant property, reducing the cities obligation to maintain the said area, and further relieves the city from all personal legal liability to any personal injury; cost savings to the City of San Diego, again financially as a taxpayer, indirectly benefiting me.

Should you have any questions or desire further testimony, please feel free to contact me at: 7262 Via Capri, La Jolla.

Sincerely,

  
Devon Thomas



000807

To: City Project Manager Glenn Gargas  
Attn: City Council  
Project Type: Coastal Development Permit and Public Right-of-Way  
Project #: 128990  
Project Name: OLIVET AVENUE STREET VACATION

I am writing this letter in **support** of the aforementioned project above.

As a La Jolla Community resident, I am very familiar with the subject area and have personally viewed the area and its surroundings. Vacating said land would not affect nor change the lands current use, nor encroach on any physical access to the coast.

Secondly, as a taxpayer in a city where money is in question, vacating said area constructively benefits me and my family by increasing the taxes on the applicant property, reducing the cities obligation to maintain the said area, and further relieves the city from all personal legal liability to any personal injury; cost savings to the City of San Diego, again financially as a taxpayer, indirectly benefiting me.

Should you have any questions or desire further testimony, please feel free to contact me at: 7262 Via Capri, La Jolla.

Sincerely,



Michael F Thomas

000808

To: City Project Manager Glenn Gargas  
Attn: City Council  
Project Type: Coastal Development Permit and Public Right-of-Way  
Project #: 128990  
Project Name: OLIVET AVENUE STREET VACATION

I am writing this letter in **support** of the aforementioned project above.

As a La Jolla Community resident, I am very familiar with the subject area and have personally viewed the area and its surroundings. Vacating said land would not affect nor change the lands current use, nor encroach on any physical access to the coast.

Secondly, as a taxpayer in a city where money is in question, vacating said area constructively benefits me and my family by increasing the taxes on the applicant property, reducing the cities obligation to maintain the said area, and further relieves the city from all personal legal liability to any personal injury; cost savings to the City of San Diego, again financially as a taxpayer, indirectly benefiting me.

Should you have any questions or desire further testimony, please feel free to contact me at 858-204-9977.

Sincerely,



Moira Sustaeta

home owner, mother of school age children

000809

To: City Project Manager Glenn Gargas  
Attn: City Council  
Project Type: Coastal Development Permit and Public Right-of-Way  
Project #: 128990  
Project Name: OLIVET AVENUE STREET VACATION

I am writing this letter in **support** of the aforementioned project above.

As a La Jolla Community resident, I am very familiar with the subject area and have personally viewed the area and its surroundings. Vacating said land would not affect nor change the lands current use, nor encroach on any physical access to the coast.

Secondly, as a taxpayer in a city where money is in question, vacating said area constructively benefits me and my family by increasing the taxes on the applicant property, reducing the cities obligation to maintain the said area, and further relieves the city from all personal legal liability to any personal injury; cost savings to the City of San Diego, again financially as a taxpayer, indirectly benefiting me.

Should you have any questions or desire further testimony, please feel free to contact me at 858 232 1607.

Sincerely,

Marcy Holthus  
MARCY HOLTHUS  
1888 CASTELLANA RD  
LA JOLLA, CA 92037

000810


To: City Project Manager Glenn Gargas  
Attn: City Council  
Project Type: Coastal Development Permit and Public Right-of-Way  
Project #: 128990  
Project Name: OLIVET AVENUE STREET VACATION

I am writing this letter in **support** of the aforementioned project above.

As a La Jolla Community resident, I am very familiar with the subject area and have personally viewed the area and its surroundings. Vacating said land would not affect nor change the lands current use, nor encroach on any physical access to the coast.

Secondly, as a taxpayer in a city where money is in question, vacating said area constructively benefits me and my family by increasing the taxes on the applicant property, reducing the cities obligation to maintain the said area, and further relieves the city from all personal legal liability to any personal injury; cost savings to the City of San Diego, again financially as a taxpayer, indirectly benefiting me.

Sincerely,

  
Janet Murphy

000811

Gargas, Glenn

---

**From:** Andreuccetti, Vincent [Vincent.Andreuccetti@ipx1031.com]  
**Sent:** Sunday, April 06, 2008 8:37 AM  
**To:** LBeekman@wertzmcdade.com  
**Cc:** Gargas, Glenn; amacial@san.rr.com; rrutstein@san.rr.com  
**Subject:** Ewald

Mrs. Beekman:

Good morning.

I was thinking about our lengthy discussion on Friday and wanted to synopsise what I offered, as well as entertain the "quitclaim" option.

1. Easement:

If your client is interested in this option, I will retain Pallmary or other available surveyor and resurvey the subject area. The easement will include an area of 7 to 8ft and extend from Ms. Ewalds backyard to the street of Oliviet. I will pay for a new gate for her which will be closer to the Oliviet street entrance which will block any other non-discovered trespassor access; thus, giving her exclusivity. I will also pay \$1,000 of her attorney fees. I will include her on my insurance as "additional insured" pending authorization from my insurance company; if not authorized, this benefit will not be included.

2. Quitclaim

If your client is interested in this option, I will retain Pallmary or other available surveyor and resurvey the subject area. The "quitclaim area" will be for minimum square footage for the path only. In my unprofessional estimate, it will be approximately 5 ft. in width and will also extend to Oliviet street. This quitclaim will require no consideration from Ms.Ewald. She will own this path as fee simple. If this option is chosen, I will not pay for any gate or fence thereto, nor will I pay any attorney fees. She will benefit by being given "free" land in LaJolla. Assuming the entire enclosed path area is around 80sq.st. and land in LaJolla is worth at a minimum of 300 per sq.soot., we are in essence giving her \$24,000 of land. Ms.Ewald is now receiving land she, or any other previous land owner of her property, has never had before.

**\*This option eliminates the options of a "lot line" adjustment and "partial vacation"\***

I ask that your client make a decision fairly quickly so I can take the necessary steps by having the land surveyed appropriately so I am not spending more money for nothing. I would like to have the survey drafted ASAP and submitted to your attention for review and or approval with our client. Once the description is approved, I will defer to you to draft the appropriate deed (Easement or Quitclaim). Once drafted, I would like to review before approval. The goal here obviously is to walk into the hearing on 4/22/08 with all paperwork and agreements in hand so all is on consent.

It is hoped by our family that Ms.Ewald will choose one of the above amenable options so we can put this thing to rest and move on with our lives. However, if your client refuses to accept the above offers before the 22nd, they will no longer be on the table and we will be pursuing a full vacation of the subject area to our control.

Again, I thank you for your time and please contact me ASAP with your clients decision so I/we can move forward.

Sincerely,

**Vincent Andreuccetti, Esq.**  
**Assistant Vice President**  
**Investment Property Exchange Services, Inc. (IPX 1031)**  
**800-327-5347**  
**619-246-8187**

4/10/2008

000812  
[vincent.andreuccetti@ipx1031.com](mailto:vincent.andreuccetti@ipx1031.com)  
[www.ipx1031.com](http://www.ipx1031.com)

---

The information contained in this message is proprietary and/or confidential. If you are not the intended recipient, please: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately. In addition, please be aware that any message addressed to our domain is subject to archiving and review by persons other than the intended recipient. Thank you.

---

000813



## RLP Development

2402 Rue Denise, La Jolla CA 92037  
858-945-8553 LIC # 901522

April 1, 2008

To: City Project Manager Glenn Gargas

Attn: City Council

Project Type: Coastal Development Permit and Public Right-of-Way

Project #: 128990

Project Name: OLIVET AVENUE STREET VACATION

I am writing this letter in **support** of the aforementioned project above.

As a La Jolla Community resident, I am very familiar with the subject area and have personally viewed the area and its surroundings. Vacating said land would not affect nor change the lands current use, nor encroach on any physical access to the coast.

Secondly, as a taxpayer in a city where money is in question, vacating said area constructively benefits me and my family by increasing the taxes on the applicant property, reducing the cities obligation to maintain the said area, and further relieves the city from all personal legal liability to any personal injury; cost savings to the City of San Diego, again financially as a taxpayer, indirectly benefiting me.

Should you have any questions or desire further testimony, please feel free to contact me at 858-945-8553.

Sincerely,

Raul A. Albanez  
RLP Development, Inc.  
Owner

000814  
Gargas, Glenn

---

**From:** judith talner [jptalner@earthlink.net]  
**Sent:** Thursday, April 10, 2008 10:03 AM  
**To:** Gargas, Glenn; Peters, Scott; KSweeney@sandiego.go  
**Subject:** Proposed Olivet Street Vacation

Scott Peters

Attn: Glen Gargass, City Project Manager Project type:Costal Development Permit and Public Right of Way Project No: 128990 Project Name Olivet Avenue Street Vacation

Dear Councilman Peters,

I am opposed to the proposed Olivet Street Vacation. The Ewald Family have made daily use of the right of way for 10 years and to remove is unfair.

Despite knowing the floor area ratio did not meet with his present building permit, the owner at 1215 Virginia Way built a room over his garage. In order to complete his room by putting doors and windows, he has to acquire a new permit and increase his property size.

The La Jolla Community planning Association and the La Jolla Traffic and Transportation Committee voted unanimously against the proposed vacation in 2007.

This type of disregard to neighbors happens too often. It is up to The City Council to make the right decision not to vacate this property.

Judith Talner  
7662 Mar Avenue  
La Jolla, CA



000815

L. Renée Comeau and Terry D. Gulden  
1201 Virginia Way  
La Jolla, CA92037

April 6, 2008

To: Scott Peters  
Attn: Glenn Gargas, City Project Manager  
Project Type: Coastal Development Permit and Public Right-of-Way  
Project No: 128990  
Project Name: Olivet Avenue Street Vacation

Dear Councilman Peters,

My next door neighbor, Kristin Ewald is extremely concerned with the prospect of losing all or part of her access to Olivet Avenue, an access that they have enjoyed and used since moving her more than 10 years ago. Mrs. Ewald's husband, who talked with us often, was very unhappy about the Applicant's overbuilding beyond the allowable FAR limits. Unfortunately, Mr. Ewald passed away in December. His main concerns were the loss of privacy from the overbuilt structure and the possible loss of street access if the vacation were to be approved. This is understandable, as Mrs. Ewald and her son would be land-locked on all three sides of their property. Virtually *everyone* in this neighborhood enjoys front *and* back access to their properties, so I can understand quite well why she would be concerned. A vacation of the City property in question could leave her landlocked with only one way out of her property in case of an emergency.

Of concern to me is that the neighbor with the Application before the City has been turned down by both community groups, including the La Jolla Traffic & Transportation Board and the La Jolla Community Planning Association. While I understand that these community groups are not governing bodies, the votes are a recognized voice to the City and they represent local sentiment.

Sincerely,

L. Renée Comeau and Terry D. Gulden

000816

April 7, 2008

To: Scott Peters

Project Type: Coastal Development Permit and Public Right-of-Way

Project No.: 128990

Project Name: Olivet Ave Street Vacation

Dear Mr. Peters:

I am a resident of La Jolla and although I am not familiar with all the details of the current application for a Street Vacation on Olivet Ave, I support the La Jolla Community Planning Association and La Jolla Traffic & Transportation Board, which carefully considered the application and unanimously voted against it in July 2007.

For the City to allow the applicants to increase the size of their property simply to satisfy their FAR requirement sends the wrong message to others. Mrs. Ewald has always had access to Olivet Ave. from the rear of her property. I understand that an Olivet Street Vacation could effectively block that access.

I believe the city should deny this application.

Regards,

Ellen Koutsy

6036 Bellevue Ave

La Jolla, CA 92037

cc: Glenn Gargas, City Project Manager

000817

**Gargas, Glenn**

---

**From:** Kim Penny [kpenny@san.rr.com]  
**Sent:** Wednesday, April 09, 2008 7:57 PM  
**To:** Gargas, Glenn  
**Subject:** Ewald Sreet Vacation Issue

Dear Mr. Gargas,

I am writing to you today to let you know that I support the Ewald family and their efforts to protect their access to Olivet Street in La Jolla

The Ewald family has had access to Olivet Street since they purchased their home in 1997. By granting a vacation, the City may be forcing the family to accept ownership of additional land for which they may have to pay more taxes - just so an adjoining neighbor can build a bigger house.

This makes no sense. The City should follow the lead of the La Jolla Planning Association, which voted unanimously in their favor, and vote against this vacation.

Sincerely,

*Kim Penny*  
[kpenny@san.rr.com](mailto:kpenny@san.rr.com)  
5930 Folsom Drive  
La Jolla, CA 92037

4/10/2008

000818

Gargas, Glenn

---

**From:** Sashin [sashinlps@san.rr.com]  
**Sent:** Tuesday, April 08, 2008 12:27 PM  
**To:** Hueso, Councilmember Ben; Madaffer, Councilmember Jim; Frye, Donna; Maienschein, Councilmember; Atkins, Councilmember; Faulconer, Council Member Kevin; Sweeney, Keely; Peters, Scott; Gargas, Glenn  
**Subject:** Project No: 128990

To: Scott Peters  
Attn: Glenn Gargas, City Project Manager  
Project Type: Coastal Development Permit and Public Right-of-Way  
Project No: 128990  
Project Name: Olivet Avenue Street Vacation

Dear Councilman Peters:

7 April 2008

I have owned a home on Virginia Way since 1986. I want to register my **strong objection** to the proposed Olivet Street Vacation that is scheduled to come before the Council later this month.

Mrs. Ewald has had access to Olivet Avenue for the ten years that she has lived at 1211 Virginia Way. I have seen her use the access to Olivet Avenue as she walks in the neighborhood and periodically comes to visit me....using my access to Olivet Avenue, entering through my backyard. Her son, Jake, uses the back access to visit his two best friends who live on Olivet.

A street vacation would leave her with virtually nothing but a tiny, landlocked triangle of property, cutting off entirely her access to Olivet. The proposed vacation would be useless to Mrs. Ewald and her son, Jake. Certainly this is more than just an inconvenience and of utmost detriment to the family.

The Petitioners, a real estate attorney and his wife, a title agent, want the City to give up this property so that they can add more square footage to their home. They have ongoing construction that cannot be finished unless they increase the size of their property. Why is Mrs. Ewald being pressed to give up her right to access to her property to alleviate what is obviously *a ploy for more land that they have not paid for*? How wonderful if we could all have this.

This is a **gross injustice** to Mrs. Ewald, the outcome of which can only be detrimental to her use and enjoyment of her property. How will she be made whole if this vacation is allowed? Who benefits other than the Petitioners?

If the City decides to grant the vacation then it should be done so *equitably*: One half to Mrs. Ewald and one half to the Petitioners. At least at that point, the property is divided equally so that no one out-does the other. Or, if the City grants the vacation, then an easement that runs with the Petitioners' land should be given to Mrs. Ewald.

As it stands now, the La Jolla Community Planning Association voted overwhelmingly... **13 to 0... against application**. The City would be wrong to vote in favor of it.

Sincerely,

Saracia Shannahan  
1245 Virginia Way  
La Jolla, CA 92037

4/10/2008

000819

**Gargas, Glenn**

---

**From:** Joseph G. Dicks [jdicks@dicks-workmanlaw.com]  
**Sent:** Tuesday, April 08, 2008 10:55 AM  
**To:** Peters, Scott  
**Cc:** Gargas, Glenn; Sweeney, Keely  
**Subject:** Olivet Street Vacation Request: Andruccetti

Dear Council President Peters:

I would like to weigh in on the issue of the request for a street vacation on Olivet, to the rear of the Andruccetti and Ewald homes. If I understand the history of the request, it began with the Andruccetti's application and receipt of a permit for a deck area on the second story of their home. After attempting to illegally enclose the deck, the construction was halted as the permit did not allow an enclosure. This fact was surely known to the Andruccetti's, because the FAR requirement could not be met; thus the permit application for a deck, and not a room addition.

The solution to the problem was not that the Andruccetti's abide by the law and live with the deck, and not a room addition, but to request that the City of San Diego deed them some land so that they could meet the FAR requirement for the room addition. In essence, the Andruccetti's want to be rewarded with city owned land for attempting to build an illegal room addition onto their home. Surely, the City of San Diego does not seriously consider this a viable option.

I have been actively involved with the La Jolla CPA for several years now, and I can think of only one instance where it's recommendations have not been followed. The CPA, as well as the La Jolla Traffic and Transportation Board, have, on multiple occasions, denied the Andruccetti's request for valid planning reasons. La Jolla is still a neighborhood, and as you well know, we value community input, interest and process. This street vacation request has had its full measure of consideration by our community, and aside for the Andruccetti's self interest, the vacation serves no valid community purpose. To the contrary, it only serves to generate distrust in the local political process, and rewards those who would seek to violate our planning rules and regulations. This application is nothing more than a "special interest" request, that puts the interests of a few above the interests of a neighborhood of many. The Andruccetti's neighbors, and especially Ms. Ewald and her son, have all abided by the rule of law and have relied on the integrity of the local political process to protect both their own and the greater community's interest. If they cannot rest assured that this process and these rules carry the credibility they deserve, we do a great disservice to the integrity of our local political system of justice.

Finally, the Andruccetti's hollow claims of any benefit to the City by way of this vacation request rings ever so hollow, given the immunities the City enjoys regarding "potential liability". Further, the purported financial gains to the City will be nonsense. The Ewald's already maintain this piece of property, and the marginal tax revenue from the vacation is negligible.

Deny the vacation, and preserve the probity of our local planning processes.

Joseph G. Dicks, Esq.  
**DICKS & WORKMAN**  
Attorneys at Law  
750 B Street, Suite 2720

4/10/2008

San Diego, CA 92101  
(619) 685-6800  
(619) 557-2735 *facsimile*  
Email: jdicks@dicks-workmanlaw.com

\*\*\*\*\*

**This e-mail, and any attachments hereto, is privileged, confidential and is intended only for the addressee (s) named herein. If you are not the intended recipient of this e-mail, you are hereby notified any dissemination, distribution or reproduction of this e-mail, and any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please notify me immediately at (619) 685-6800 and permanently delete the original and any copy of this e-mail, and destroy any printout(s) thereof.**

\*\*\*\*\*

000820